

since the article would not effect the result and would not fulfill the promise of benefit stated and implied.

DISPOSITION: September 21, 1953. Default decree of condemnation and destruction.

4236. Misbranding of 3 Roses Hair Gror. U. S. v. 222 Jars * * *. (F. D. C. No. 35306. Sample No. 55145-L.)

LIBEL FILED: June 9, 1953, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 3 and May 6, 1953, from Tampa, Fla. This was a return shipment.

PRODUCT: 222 jars of 3 *Roses Hair Gror* at Milwaukee, Wis. Analysis showed that the product was petrolatum, with perfume and certified coal-tar colors added. The product was contained in glass jars, each containing approximately 13 ounces by weight.

LABEL, IN PART: (Jar) "Don't Starve Your Hair Keep it growing! Contents 4 OZS. or Over Use 3 Roses Hair Gror Will Improve Your Hair Instantly."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "3 Roses Hair Gror" and the label statements "Don't Starve Your Hair Keep it growing!" and "Will Improve Your Hair Instantly" were false and misleading. These statements represented and suggested that the article would grow hair, whereas the article would not grow hair.

Further misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Contents 4 Ozs. or Over" was inaccurate.

DISPOSITION: November 18, 1953. Default decree of condemnation and destruction.

4237. Misbranding of Magnetic Ray belt. U. S. v. 1 Device, etc. (F. D. C. No. 35324. Sample No. 67254-L.)

LIBEL FILED: June 24, 1953, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about May 25, 1953, by Dr. Frank B. Moran, from Coppell, Tex.

PRODUCT: 1 device known as *Magnetic Ray belt* and its accessory (consisting of a coil of wire attached to a socket containing a flashlight bulb) at Purvis, Miss., together with a number of pamphlets entitled "Directions For Taking Magnetic Ray Treatments" and "Magnetic Ray Treatment" and a letter dated May 24, 1953, from "Magnetic Ray Company, Frank B. Moran, M. D."

The device was a belt consisting of a coil of wire intended for connection to a source of electric current. Accompanying the belt, but not attached to it, was the accessory consisting of a coil of wire attached to a socket containing a flashlight bulb which glowed when the secondary coil was brought near the belt, if the belt was in operation. By means of this accessory the user was able to determine whether an electric current was passing through the belt.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned pamphlets and letter accompanying the device and its accessory were false and misleading. The statements represented and suggested that the device constituted a powerful factor in restoring and preserving health, an effective weapon to fight disease, a source of health-giving rays, and an effective modality in the prevention and relief of human ills, the treatment and prevention of disease, and in effecting a healthful body and mind at ease;

that the device would provide an adequate and effective remedy for disease, bodily weakness, and defects, autotoxemia, poisoning from putrefactive changes occurring in the contents of sluggish intestines, infected teeth, tonsils, sinuses, and other parts of the body, colds, influenza, pneumonia, etc., and worry; that it would equalize the circulation of the blood relieving congestion; that it would relieve pain and other distressing physical sensations; that it would effect relaxation and promote sleep; that it would stimulate normal functioning of the glands and other organs of the body; that it would overcome fatigue and "that tired feeling"; that it would raise the vital tone of the system and increase physical and mental efficiency; that it would exercise revitalizing influence upon the sexual or procreative glands; that it would clear the complexion; and that it would cause absorption of abnormal growths and deposits such as goiter, tumors, and blood clots resulting from hemorrhages due to high blood pressure; for asthma, arthritis, Bright's disease, diabetes, coronary thrombosis, high blood pressure, paralysis, enlarged joints, stiff joints, bronchial cough, bladder trouble, backache, deafness, constipation, eczema, headaches, indigestion, neuralgia, cold extremities, insomnia, lumbago, painful menstruation, nervous breakdown, obesity, rheumatism, sciatica, fibroid tumors, uterine hemorrhages, varicose veins and ulcers, sinus trouble, many difficult chronic conditions, hay fever, catarrhal conditions of the nasal passages, disorders of the prostate gland, hemorrhoids and other affections of the pelvic organs, pain and swelling of the feet, nervous irritability, organic heart trouble, and low blood pressure; and that the device would improve the circulation and elimination and develop a high state of vitality and a greater resistance to every sort of disease. The device would not accomplish such results; it would not be effective for such purposes; and it would not fulfill the promises of benefit stated and implied.

DISPOSITION: September 21, 1953. Default decree of condemnation and destruction. On September 23, 1953, the decree was amended to provide for the delivery of the device to the Food and Drug Administration.

4238. Misbranding of Pedasine device, Electro-Pulse device, and Vita Motor device. U. S. v. 11 cartoned Devices, etc. (F. D. C. No. 34675. Sample Nos. 33756-L to 33758-L, incl.)

LABEL FILED: February 25, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: The *Pedasine devices* were shipped by R. A. Fischer & Co., from Glendale, Calif., on or about November 9, 1951, and November 18, 1952; the *Electro-Pulse devices* were shipped by Ray Strahan Mfg., from Los Angeles, Calif., on or about November 7, 1952; and the *Vita Motor devices* were shipped by the Vita-Motor Co., from San Diego, Calif., on or about March 30, 1951, and November 19, 1952.

PRODUCT: 11 cartoned *Pedasine devices* with accompanying labeling furnished by the shipper, consisting of leaflets entitled "The Famous Fischer Pedasine Beneficial for Blood Pressure Cases," "The New Pedasine," and "Operating Instructions for the Fischer Pedasine"; reprints entitled "Blood Pressure" and "Diastolic Hypertension"; and catalogs entitled "The Fischer (Glendale) Line of Electro-Medical Apparatus and Accessories."

6 cartoned *Electro-Pulse devices* with accompanying labeling furnished by the shipper, consisting of leaflets entitled "Presenting The Electro-Pulse."

2 *Vita Motor devices* with accompanying labeling furnished by the shipper, consisting of leaflets entitled "The Physiology of Tissue Surge Percussion,"